

Atty. Dkt. No. 040373-0284

**REMARKS**

By way of the instant amendment, claims 20-28 have been cancelled. Thus, claims 1-19 remain for examination.

**Drawing Changes**

Applicant is submitting herewith a new Fig. 1 in which the term "B Signal Pass" has been replaced with the term "B Signal Path." Moreover, the term "A Signal Pass" has been replaced with the term "A Signal Path." The corrected terminology comports with the terminology utilized in the specification. No new matter has been added.

**Rejections under Sec. 112**

The Examiner has set forth many claim objections as stated in paragraph 2 of the outstanding Office Action. Further, claims 1-28 stand rejected under 35 U.S.C. § 112, second paragraph as stated in paragraph 3 of the outstanding Office Action.

Applicant has carefully revised the claims and provided proper antecedent bases and interconnections for all of the elements mentioned in paragraphs 2 and 3 of the outstanding Office Action. It is submitted that applicant's amended claims fully comply with the provisions of 35 U.S.C. § 112.

**Prior Art Rejections**

Claims 1, 2, 5, 8, 11, 14, 17, 20, 23 and 26 stand rejected under 35 U.S.C. § 102(e) as anticipated by Farris (6,154,445). Further, claims 3-4, 6-7, 9-10, 12-13, 15-16, 18-19, 21-22, 24-25, and 27-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Fitzgerald (U.S. 2001-0023454A1).

The Examiner's rejections are respectfully traversed.

In addition to making amendments to the claims to clarify any objections and rejections under § 112, applicant has amended the claims to insert the subject matter of claim 20 into the main independent claim 1. Claim 20 recites that the Internet protocol network alternate routing system further comprises an announcement trunk for reporting switching of the signal path to the extension telephone when the Internet protocol network determined by the alternate routing control unit is in a congested state. No such counterpart teaching is

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shown in Farris, taken singly or in combination with Fitzgerald. In connection with claims 20, 23 and 26 as stated in the paragraph bridging pages 6 and 7 of the outstanding Office Action, the Examiner points to column 16, lines 1-16 for a teaching of the subject matter of claims 20, 23 and 26. However, applicant can find no teaching of an announcement trunk for reporting switching of the signal path to the extension telephone when the Internet protocol network determined by the alternate routing control unit is in a congested state. The cited portion of Farris merely indicates that the control signals are delivered over the line 634 connecting the EDC 608 to the monitor controller 630 and thence over the data link 636 from the monitor controller 630 to the monitor and its associated processor and storage 626. No disclosure of an announcement trunk for reporting the switching is disclosed. Applicant has further done a word search of Farris utilizing the PTO database and can find no occurrence of the term "announcement." Thus, it is submitted that the Farris teaching does not provide and anticipatory reference as to claim 20 which has now been incorporated into independent claim 1.

In order for a reference to anticipate a claim, the reference must disclose each and every limitation recited in the claim. This is certainly not the case here and, thus, the § 102 rejection must be withdrawn. Likewise, the Patent and Trademark Office has not made out a *prima facie* case of obviousness utilizing the combined teachings of Farris and Fitzgerald since neither reference taken singly or in combination discloses applicant's recited limitations.

It is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

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papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.  
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date \_\_\_\_\_

By \_\_\_\_\_

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